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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/290,027 04/09/1999 JOHN W. NOTZ 16356.431 9377 27683 7590 12/28/2004 EXAMINER HAYNES AND BOONE, LLP KAZIMI, HANI M 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202 ART UNIT PAPER NUMBER 3624

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)
Examiner	Office Action Summary	09/290,027	NOTZ ET AL.
Hani Kazimi - 3624 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edunations of them may be well-with under the processions of 32 CFR 1.73(d). In no event, however, may a reply be timely filled after \$10 (MONTHS from the most of 20 CFR 1.73(d). In no event, however, may a reply be timely filled after \$10 (MONTHS from the most of 20 CFR 1.73(d). In no event, however, may a reply be timely filled after \$10 (MONTHS from the most of 20 CFR 1.73(d). In no event, however, may a reply be timely filled after \$10 (MONTHS from the most of 20 CFR 1.73(d). In no event, however, may a reply be timely filled after \$10 (MONTHS from the most of 20 CFR 1.73(d). In no event, however, may a reply be timely filled the period for reply specified above is test than thirty (30) days, a reply within the statisticary minimum of thirty (20) days, a reply within the statisticary minimum of the process of the period for reply specified above is test than thirty (30) days, a reply within the statisticary minimum of the period for reply will, by statistic, cause the application to become ABANDONED (25 U.S.C. § 13). If 10 (MONTHS from the mediated them adjustment. See 37 CFR 1.704(b). Status 1) ☑ Responsive to communication(s) filled on 02 September 2004. 2a) ☑ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the mer closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1,3-6,8-10,12,13,15 and 17-24 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5i ☐ Claim(s) 1,3-6,8-10,12,13,15 and 17-24 is/are rejected. 7) ☐ Claim(s) is/are allowed. 6i ☐ Claim(s) 1,3-6,8-10,12,13,15 and 17-24 is/are rejected. 7) ☐ Claim(s) is/are allowed. 8) ☐ The drawing(s) filled on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ Th		Examiner	
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Paper No(s)/Mail Date 170/38/08) 5) Notice of Informal Patent Application (PTO-152)	Information Disclosure Statement(s) (PTO-1449 or PTO)		rmal Patent Application (PTO-152)

DETAILED ACTION

1. This communication is in response to the Request for Continued Examination (RCE) filed on September 2, 2004.

Status of Claims

2. Of the original claims 1-18, claims 2, 5, 7, 11, 14, and 16 have been canceled, and claims 1, 4, 8, 10, 13, and 17 have been amended in the amendment filed on March 21, 2002. In the amendment filed on September 16, 2002, claims 1, and 10 have been amended. In the amendment filed on March 19, 2003, claims 1, and 10 have been amended. In the amendment filed on September 5, 2003, claims 1, and 10 have been amended, and claims 19, and 20 have been added. In the amendment filed on September 2, 2004, claims 1, and 10 have been amended, and claims 21-24 have been added. Therefore, claims 1, 3, 4, 6, 8-10, 12, 13, 15, and 17-24 are under prosecution in this application.

Summary of Office Action

3. Applicants' arguments filed on <u>September 2, 2004</u> have been fully considered, and discussed in the next section below or within the following rejections under 35 U.S.C. 102 are not deemed to be persuasive. Therefore, claims 1, 3, 4, 6, 8-10, 12, 13, 15, and 17-24 are rejected as being unpatentable over the art cited below, and Applicant's request for allowance is respectfully denied.

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Response to Applicants' Amendment

Claim Rejections - 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention thereof by the applicant for patent.

5. Claims 1, 3, 4, 6, 8-10, 12, 13, 15, and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson et al. US Pat. No. 6,167,383.

Claims 1, 3, 4, 6, 8-10, 12, 13, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson et al. US Pat. No. 6,167,383 as discussed in previous office action mailed on March 1, 2004. Further:

Henson teaches the claimed limitation, wherein if after exiting the cart without accepting an upsell recommendation and upon later reentering that cart, a different upsell recommendation is offered, and a next upsell recommendation in a given priority order is displayed as the different upsell recommendation (column 15, lines 3-67, column 7, lines 21-38, and column 9, lines 40-67).

Response to Arguments

6. Applicant's arguments filed on September 2, 2004 have been fully considered. The response to Applicant's arguments (with respect to claim 1) has been addressed in previous

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office actions mailed on June 30, 2004 and November 19, 2002. The newly added claims are rejected as mentioned above within the 35 U.S.C. 102 rejections of this office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the 7. examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687 or 7658.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 1114.

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November 29, 2004